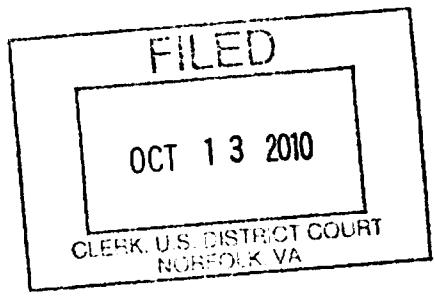


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division



EDWARD LAMB,

Plaintiff,

v.

ACTION NO. 4:09cv149

NEXTEL COMMUNICATIONS
OF THE MID-ATLANTIC, INC., et al.,

Defendants.

FINAL ORDER

This matter comes before the court on the Motion for Summary Judgment, filed by the plaintiff on May 21, 2010, and the defendants' Motion for Summary Judgement filed on May 21, 2010. The matter was referred to a United States Magistrate Judge by order of June 18, 2010, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the motions.

The United States Magistrate Judge conducted a hearing on July 28, 2010. The Magistrate Judge's Report and Recommendation was filed on August 19, 2010. The magistrate judge recommended that judgment be entered in favor of the defendants and that both parties' Motion for Summary Judgment be denied. By copy of the Report and Recommendation, the parties were advised of their right

to file written objections thereto. On September 7, 2010, the court received the plaintiff's objections to the Magistrate Judge's Report and Recommendation, and on September 24, 2010, the court received the defendants' Response to plaintiff's objections.

The court, having examined the objections by the plaintiff to the Report and Recommendation and having made de novo findings with respect thereto, does hereby adopt and approve in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed August 19, 2010. Accordingly, the plaintiff's motion for summary judgment is hereby DENIED, and the defendants' motion for summary judgement is hereby DENIED. The Clerk shall enter judgment for the defendants and the case is DISMISSED from the docket.

The Clerk shall forward a copy of this Final Order to counsel for the parties.

It is so ORDERED.

/s/
Rebecca Beach Smith
United States District Judge

RBS

UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

October 13, 2010